

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1042

Introduced by Assembly Member Carter

February 27, 2009

An act to amend Sections 53097 and 65352.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1042, as amended, Carter. ~~Local ordinances.~~ *government: school siting and improvement.*

(1) Existing law requires the governing board of a school district to comply with any city or county ordinance regulating drainage improvements and conditions, regulating road improvements or conditions, or requiring the review and approval of grading plans as these ordinance provisions relate to the design and construction of onsite improvements which affect drainage, road conditions, or grading.

This bill would instead require the governing board of a school district to comply with any city or county ordinance regulating drainage improvements and conditions, regulating road improvements or conditions, requiring the review or approval of grading plans, or requiring sidewalk improvements as these ordinance provisions relate to the design and construction of onsite improvements which affect drainage, road conditions, grading, or pedestrian access.

(2) Existing law authorizes the governing board of an elementary, high school, or unified school district, following notification by a local planning agency of a proposed action to adopt or substantially amend a general plan, to request a meeting with the planning agency to discuss possible methods of coordinating planning, design, and construction

of new school facilities and schoolsites in coordination with the existing or planned infrastructure, general plan, and zoning designations of the city and county, as specified. Existing law requires the planning agency to meet with the school district within 15 days following the notification if a meeting is requested by the school district.

The bill would instead require the governing board of an elementary, high school, or unified school district, following notification by a local planning agency of a proposed action to adopt or substantially amend its general plan, to request a meeting with the planning agency to discuss possible methods of coordinating planning, design, and construction of new school facilities and schoolsites in coordination with the existing or planned infrastructure, general plan, and zoning designations of the city and county, as specified. The bill would require the planning agency to meet with the school district within 15 days following the notification by the planning agency without regard to whether a meeting was requested by the school district. By adding to the duties of school district and local planning agency officials, this bill would impose a state-mandated local program.

(3) Existing law requires the governing board of a school district, at least 45 days prior to completion of a school facility needs analysis, a master plan, or other long-range plan that relates to the potential expansion of existing schoolsites or the necessity to acquire additional schoolsites, to notify the planning commission or agency of the city or county with land use jurisdiction within the school district and to provide copies of any relevant and available information, master plan, or other long-range plan that relates to the potential expansion of school schoolsites or the necessity to acquire additional schoolsites. Existing law authorizes the affected city or county to request a meeting, as specified, with the school district, and requires the school district to meet with the city or county within 15 days following the notification by the school district if a meeting is requested.

The bill would instead require the affected city, county, or city and county to request a meeting with the school district, as specified, following the notification by the school district. The bill would require the school district to meet with the city, county, or city and county within 15 days following the notification by the school district without regard to whether a meeting was requested by the city, county, or city and county. By adding to the duties of school district and city, county, or city and county officials, this bill would impose a state-mandated local program.

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes cities and counties to make and enforce within their limits all local police, sanitary, and other ordinances not in conflict with general laws.~~

~~This bill would declare the intent of the Legislature to enact legislation that would require school districts to comply with city and county ordinances relating to drainage and road improvements and conditions when constructing new school facilities.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 53097 of the Government Code is*
2 *amended to read:*
3 53097. Notwithstanding any other provisions of this article,
4 the governing board of a school district shall comply with any city
5 or county ordinance (1) regulating drainage improvements and
6 conditions, (2) regulating road improvements and conditions, ~~or~~
7 (3) requiring the review and approval of grading plans, *or* (4)
8 *requiring sidewalk improvements* as these ordinance provisions
9 relate to the design and construction of onsite improvements which
10 affect drainage, road conditions, ~~or~~ grading, *or pedestrian access*,
11 and shall give consideration to the specific requirements and
12 conditions of city or county ordinances relating to the design and
13 construction of offsite improvements. If a school district elects not
14 to comply with the requirements of city or county ordinances
15 relating to the design and construction of offsite improvements,
16 *including, but not limited to, drainage, road, and sidewalk*
17 *improvements*, the city or county shall not be liable for ~~any~~ injuries
18 or for ~~any~~ damage to property caused by the failure of the school
19 district to comply with those ordinances.

1 *SEC. 2. Section 65352.2 of the Government Code is amended*
2 *to read:*

3 65352.2. (a) It is the intent of the Legislature in enacting this
4 section to foster improved communication and coordination
5 between cities, counties, and school districts related to planning
6 for school siting.

7 (b) Following notification by a local planning agency pursuant
8 to paragraph (2) of subdivision (a) of Section 65352, the governing
9 board of ~~any~~ *an* elementary, high school, or unified school district,
10 in addition to ~~any~~ comments submitted, ~~may~~ *shall* request a
11 meeting with the planning agency to discuss possible methods of
12 coordinating planning, design, and construction of new school
13 facilities and schoolsites in coordination with the existing or
14 planned infrastructure, general plan, and zoning designations of
15 the city and county in accordance with subdivision (d). ~~If a meeting~~
16 ~~is requested, the~~ *The* planning agency shall meet with the school
17 district within 15 days following notification.

18 (c) At least 45 days prior to completion of a school facility needs
19 analysis pursuant to Section 65995.6, a master plan pursuant to
20 Sections 16011 and 16322 of the Education Code, or other
21 long-range plan, that relates to the potential expansion of existing
22 schoolsites or the necessity to acquire additional schoolsites, the
23 governing board of ~~any~~ *a* school district shall notify and provide
24 copies of ~~any~~ *the* relevant and available information, master plan,
25 or other long-range plan, including, if available, ~~any~~ *the* proposed
26 school facility needs analysis, that relates to the potential expansion
27 of existing schoolsites or the necessity to acquire additional
28 schoolsites, to the planning commission or agency of the city ~~or,~~
29 county, *or city and county* with land use jurisdiction within the
30 school district. Following notification, or at any other time, the
31 affected city ~~or,~~ county ~~may,~~ *or city and county shall* request a
32 meeting in accordance with subdivision (d). ~~If a meeting is~~
33 ~~requested, the~~ *The* school district shall meet with the city ~~or,~~
34 county, *or city and county* within 15 days following notification.
35 After providing the information specified in this section within
36 the 45-day time period specified in this subdivision, the governing
37 board of the affected school district may complete the affected
38 school facility needs analysis, master plan, or other long-range
39 plan without further delay.

1 (d) At ~~any~~ *a* meeting requested pursuant to subdivision (b) or
2 (c) the parties may review and consider, but are not limited to, the
3 following issues:

4 (1) Methods of coordinating planning, design, and construction
5 of new school facilities and schoolsites in coordination with the
6 existing or planned infrastructure, general plan, and zoning
7 designations of the city and county.

8 (2) Options for the siting of new schools and whether or not the
9 local city or counties existing land use element appropriately
10 reflects the demand for public school facilities, and ensures that
11 new planned development reserves location for public schools in
12 the most appropriate locations.

13 (3) Methods of maximizing the safety of persons traveling to
14 and from schoolsites.

15 (4) Opportunities to coordinate the potential siting of new
16 schools in coordination with existing or proposed community
17 revitalization efforts by the city or county.

18 (5) Opportunities for financial assistance which the local
19 government may make available to assist the school district with
20 site acquisition, planning, or preparation costs.

21 (6) Review ~~all~~ *the* possible methods of coordinating planning,
22 design, and construction of new school facilities and schoolsites
23 or major additions to existing school facilities ~~and~~, recreation and
24 park facilities, and programs in the community.

25 *SEC. 3. If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. It is the intent of the Legislature to enact~~
31 ~~legislation that would require school districts to comply with city~~
32 ~~and county ordinances relating to drainage and road improvements~~
33 ~~and conditions when constructing new school facilities.~~